

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

2008 Iowa Acts, Senate File 2425, Division XI, created the "Healthy Kids Act." Specifically, these proposed rules deal with section 142 of the legislation and its mandate of minimum time periods of physical activity for elementary and secondary students, as well as its mandate that every student physically able to do so complete a certification course for cardiopulmonary resuscitation by the end of grade 12.

The proposed amendment in Item 1 adds a definition of "physical activity," clarifying that the concept includes more than components of the physical education model.

The proposed amendment in Item 2 includes the statutory exemption for both the physical activity requirement and the cardiopulmonary resuscitation course completion requirement.

The proposed new subrules in Item 3 specify the specifics of the physical activity requirement and the cardiopulmonary resuscitation course completion requirement.

An agencywide waiver provision is provided in 281—Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before 4:30 p.m. on February 3, 2009. Comments on the proposed amendments should be directed to Kevin Fangman, Division Administrator, Iowa Department of Education, Third Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-3333; E-mail kevin.fangman@iowa.gov; or fax (515)281-7700.

A public hearing will be held on February 3, 2009, from 2:30 to 4:00 p.m., originating in the ICN Room on the second floor of the Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should advise the Department of Education of specific needs by calling (515)281-5295. The remote ICN sites are as follows:

Keystone Area Education Agency 1
1400 2nd Street NW
Elkader 52043

Northwest Area Education Agency
Room 103
1382 4th Avenue NE
Sioux Center 51250

Heartland Area Education Agency 11
6500 Corporate Drive
Johnston 50131

Loess Hills Area Education Agency 13
24997 Hwy 92
Council Bluffs 51502

Great Prairie Area Education Agency
3601 West Avenue

North Iowa Area Community College
Room 106, Activity Center
500 College Drive
Mason City 50401

Green Valley Area Education Agency 14
Turner Room
1405 N Lincoln
Creston 50801

Northwest Area Education Agency
Room 206
1520 Morningside Avenue
Sioux City 51106

Great Prairie Area Education Agency
2814 N Court Street
Ottumwa 52501

Burlington 52601

Keystone Area Education Agency 1
Room 2
2310 Chaney Rd
Dubuque 52001

Area Education Agency 267
Room 2102, Wolfe Education Ctr
3405 S Center Street
Marshalltown 50158

River Bend Area Education Agency 9
Louisa Room
729 21st Street
Bettendorf 52722

Cedar Falls Public Library
524 Parkade
Cedar Falls 50613

Fort Dodge Public Library
424 Central Avenue
Fort Dodge 50501

Two ICN sites are tentative only; the reader is advised to check with these locations:

Area Education Agency 8
500 NE 6th Street
Pocahontas 50574
712/335-3588

Kirkwood Community College
Room 203B, Linn Hall
6301 Kirkwood Blvd SW
Cedar Rapids 52406
319/398-5452

These amendments are intended to implement 2008 Iowa Acts, Senate File 2425, sections 142 and 145.

The following amendments are proposed for an effective date of July 1, 2009.

ITEM 1. Amend rule **281—12.2(256)** by adding the following new definition in alphabetical order:

“Physical activity” means any movement, manipulation, or exertion of the body that can lead to improved levels of physical fitness and quality of life.

ITEM 2. Amend subrule **12.5(6)** as follows:

12.5(6) ~~Physical education and health courses exemption~~ Exemption from physical education course, health course, physical activity requirement, or cardiopulmonary resuscitation course completion. A pupil shall not be required to enroll in ~~either a physical education or health courses course~~ if the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious beliefs. ~~A pupil shall not be required to enroll in a health course if the pupil's parent or guardian files a written statement with the school principal that the course conflicts with the pupil's religious beliefs.~~ A pupil shall not be required to meet the requirements of subrule 12.5(19) regarding physical activity if the pupil's parent or guardian files a written statement with the school principal that the requirement conflicts with the pupil's religious beliefs. A pupil shall not be required to meet the requirements of subrule 12.5(20) regarding completion of a cardiopulmonary resuscitation course if the pupil's parent or guardian files a written statement with the school principal that the completion of such a course conflicts with the pupil's religious beliefs.

ITEM 3. Adopt new subrules **12.5(19)** and **12.5(20)** as follows:

12.5(19) *Physical activity requirement.* Subject to the provisions of subrule 12.5(6), physically able pupils in kindergarten through grade five shall engage in physical activity for a minimum of 30 minutes each day of school. Subject to the provisions of subrule 12.5(6), physically able pupils in grades six through twelve shall engage in physical activity for a minimum of 120 minutes per week in which there are at least five days of school. This requirement may be met by pupils in grades six through twelve by participation in the following, which is not an exhaustive list: interscholastic athletics sponsored by the Iowa High School Athletic Association or Iowa Girls High School Athletic Union; school-sponsored marching band, show choir, dance, drill, cheer, or

spirit activities; non-school gymnastics, dance, team sports, individual sports; or similar endeavors that involve movement, manipulation, or exertion of the body.

Non-school activities. When the requirement is to be met in full or in part by a student using one or more non-school activities, the school or school district shall enter into a written agreement with the student. The agreement shall state the nature of the activity, the starting and ending dates of the activity, and shall provide sufficient information about the duration of time of the activity each week. The agreement shall also be signed by the building principal or principal's designee and by at least one parent or guardian of the student if the student is a minor. The student shall sign the agreement, regardless of the age of the student. The agreement shall be effective no longer than one semester or the equivalent thereof. There is no limit to the number of agreements that a school or school district may have with any one student during the enrollment of the student.

In no event may a school or school district reduce the regular instructional time, as defined by "unit" in subrule 12.5(14), for any pupil to enable the pupil to meet this requirement. Notwithstanding, this requirement may be met by physical education classes, activities at recess or during classtime, as well as before- or after-school.

Schools and school districts must provide documentation that students are being provided with the support to complete the physical activity times. This documentation may be provided through printed schedules, district policies, student handbooks, and similar means.

12.5(20) *Cardiopulmonary resuscitation course completion requirement.* Subject to the provisions of subrule 12.5(6), at any time prior to the end of twelfth grade, every pupil physically able to do so shall have completed a psychomotor course that leads to certification in cardiopulmonary resuscitation. A school or school district administrator may waive this requirement for any student who is not physically able to complete the course. A course that leads to certification in CPR may be taught during the school day by either a school or school district employee or by a volunteer, as long as the person is certified to teach a course that leads to certification in CPR. In addition, a school or school district shall accept certification from any nationally recognized course in cardiopulmonary resuscitation as evidence that this requirement has been met by a pupil. A school or school district shall not accept auditing of a CPR course, nor a course in infant CPR only. This subrule is effective for the graduating class of 2011-2012.